

REMARKS

The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

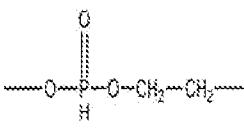
Claim 1-6 stand rejected as being anticipated by Penczek et al., HCA 107:116051; Oaks et al., HCA 78:30806; Santo et al. U.S. Patent Nos. 3,624,248 and 3,492,380. The examiner suggests that each of these references disclose the subject matter as claimed by the Inventor.

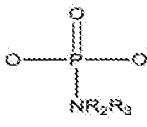
As the Examiner is undoubtedly aware, to overcome an anticipation rejection, the Inventor need only demonstrate that the references fail to teach each and every claimed limitation. *Verdegaal Brus. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

With respect to the Penczek et al., and Oaks, et al., publications and Santos patents the Inventors respectfully submit that the claimed chemical structure is different from the structures of these art and therefore the Examiner's rejection is traversed.

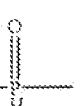
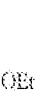
1. Inventor's Subject Matter Unanticipated by Penczek et al. (Lapienis et al.) and Oaks et al.

Penczek et al. (Lapienis et al.) discloses a phosphorus based polymer, each polymer unit

having the structure  . The Inventor's polymer is different because a nitrogen

atom group is bonded to the phosphorus atoms thusly  . Therefore, each and every claimed limitation of the Inventor's application are not present in Penczek et al. (Lapienis et al.).

Oaks et al. discloses a polymer wherein the phosphorus containing groups are "end caps,"

the end caps comprising  and  , which are not part of the polymer, but merely form the ends of the polymer. The Inventor's polymer has no such end caps. Rather the

phosphorus containing groups are part of the polymer itself, repeating with each iteration of the polymer.

Moreover, the Inventor's disclosed molecule has a nitrogen atom bonded each phosphorus atom, with the R<sub>2</sub> functional group being bonded to the nitrogen molecule. Thus, the chemical makeup of the polymer's are different. The claimed molecule has the nitrogen and does not have the same end caps as present in the Oaks et al. molecule. Thus, each and every claimed limitation is not taught by Oaks et al.

## 2. Inventor's Subject Matter Unanticipated by the Santos Patents.

According to the abstract, Santos discloses a hexamethylene diamine and an arene having as substituents (a) —COX and —OPOX<sub>2</sub>, and (b) at least one —OPOX<sub>2</sub>. The specification defines the arene of the molecule as one of benzene, polyphen 1, polyphenylalkane, or a polynuclear arene.

Conversely, the Inventor's molecule does not have an arene component. Moreover, the functional groups disclosed in the Santos patents lacks the nitrogen atom bonded to the phosphorus atom (as shown above), a key functional component of the Inventor's compound. Consequently, the Santos patents do not disclose each and every claimed element, namely the nitrogen atom with the R<sub>2</sub> and R<sub>3</sub> side groups.

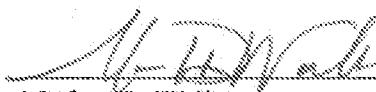
Where the independent claim is unanticipated, the dependent claims have at least the same claimed limitations as that of the independent claim. Thus, the dependent claims have a least one claimed limitation not present in the references cited by the Examiner. Consequently, the dependant claims are unanticipated for the same reasons as the independent claim.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number 50-2638. Please ensure that Attorney Docket Number 070292.010800 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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